



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH



EDMUND G. BROWN JR.  
Governor

August 20, 2013

**CERTIFIED MAIL**

7011 2000 0001 1428 7280

Susan River Park Water Company  
704-315 Anita Drive  
Susanville, CA 96130

Attention: In Care of Michael Herman, Herman Family Trust

**Subject: Public Water System No 1800503 – Citation 01-02-13C-004-1800503-22**

Enclosed is a citation issued to Susan River Park Water Company (Company). Please be aware that the Directives section of the citation contains required actions that must be taken by the Company to return to compliance.

Note that Section 116577 of the California Safe Drinking Water Act provides for our Department to be reimbursed by the public water system for costs incurred for preparing and issuing a citation to that system. In accordance with Section 116577, the Company will be billed for the preparation and issuance of this letter. Our current costs are approximately \$126 per hour. The estimated time to prepare this letter is two and one-half hours.

If you have any questions regarding this matter, please call staff engineer Sandi Tenney at (530) 224-4876 or me at (530) 224-4800.

Michael J. McNamara, P.E.  
Lassen District Engineer  
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosures

cc: Alan Jones, Director, Lassen County Environmental Health Department  
Rami Kahlon, Water Division, California Public Utilities Commission

srt: Lassen \ Susan River Park WC \ Enforcement \ 01-02-13C-003-180503-22 File: Main

1 Citation No. 01-02-13C-004-1800503-22

2 STATE OF CALIFORNIA  
3 DEPARTMENT OF PUBLIC HEALTH  
4

5  
6 **Public Water System:** Susan River Park Water Company  
7 **Water System No:** 1800503

8  
9 **To:** Susan River Park Water Company  
10 In Care of: Michael Herman, Herman Family Trust  
11 704-315 Anita Drive  
12 Susanville, CA 96130

13 **Issued:** August 19, 2013  
14 VIA CERTIFIED MAIL

15  
16 **CITATION FOR NONCOMPLIANCE**

17 **With Sections 116460 and 116555,**  
18 **California Health and Safety Code**  
19 **With Sections 64421 and 64423 Title 22,**  
20 **California Code of Regulations,**  
21 **Citation No. 01-02-10(C)-009 (Issued April 22, 2010), and**  
22 **Citation No. 01-02-11(C)-001 (Issued March 18, 2011)**

23 Section 116650 of the California Health and Safety Code (CHSC) authorizes  
24 the issuance of a citation for failure to comply with a requirement of the  
25 California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4,  
26 commencing with Section 116270), or any regulation, standard, permit, or  
27 order issued thereunder.



1 The Division of Drinking Water and Environmental Management of the  
 2 California Department of Public Health (Department) hereby issues a  
 3 citation to Susan River Park Water Company (Company) for failure to  
 4 comply with Section 116460 and 116555 of the California Health and Safety  
 5 Code (CHSC), Section 64421(b) and Section 64423, Title 22, of the  
 6 California Code of Regulations (CCR), and Citation Numbers  
 01-02-10(C)-009 and 01-02-11(C)-001.

### 7 8 9 **APPLICABLE AUTHORITIES**

#### 10 **Section 116460, Emergency notification plan requirement, of the CHSC** 11 **states in relevant part:**

12 No person shall operate a public water system without an emergency  
 13 notification plan that has been submitted to and approved by the  
 14 department. The emergency notification plan shall provide for immediate  
 15 notice to the customers of the public water system of any significant rise in  
 16 the bacterial count of water or other failure to comply with any primary  
 17 drinking water standard that represents an imminent danger to the health of  
 18 the water users.

#### 19 **Section 116555, Operational requirements, of the CHSC states:**

20 (a) Any person who owns a public water system shall ensure that the  
 21 system does all of the following:

- 22 (1) Complies with primary and secondary drinking water standards.
- 23 (2) Will not be subject to backflow under normal operating conditions.
- 24 (3) Provides a reliable and adequate supply of pure, wholesome,  
 healthful, and potable water.
- 25 (4) Employs or utilizes only water treatment operators or water  
 26 treatment operators-in-training that have been certified by the  
 27 department at the appropriate grade.
- (5) Complies with the operator certification program established  
 pursuant to Chapter 4 (commencing with Section 106875).



1  
2 (b) Any person who owns a community water system shall do all of the  
3 following:

4 (1) Employ or utilize only water distribution system operators who  
5 have been certified by the department at the appropriate grade for  
6 positions in responsible charge of the distribution system.

7 (2) Place the direct supervision of the water system, including water  
8 treatment plants, water distribution systems, or both under the  
9 responsible charge of an operator or operators holding a valid  
10 certification equal to or greater than the classification of the  
11 treatment plant and the distribution system.

12 **Section 116650, Citations, of the CHSC states:**

13 (a) If the department determines that a public water system is in violation  
14 of this chapter or any regulation, permit, standard, citation, or order  
15 issued or adopted thereunder, the department may issue a citation to  
16 the public water system. The citation shall be served upon the public  
17 water system personally or by certified mail. Service shall be deemed  
18 effective as of the date of personal service or the date of receipt of  
19 the certified mail. If a person to whom a citation is directed refuses to  
20 accept delivery of the certified mail, the date of service shall be  
21 deemed to be the date of mailing.

22 (b) Each citation shall be in writing and shall describe the nature of the  
23 violation or violations, including a reference to the statutory provision,  
24 standard, order, citation, permit, or regulation alleged to have been  
25 violated.

26 (c) A citation may specify a date for elimination or correction of the  
27 condition constituting the violation.



1 (d) A citation may include the assessment of a penalty as specified in  
2 subdivision (e).

3 (e) The department may assess a penalty in an amount not to exceed  
4 one thousand dollars (\$1,000) per day for each day that a violation  
5 occurred, and for each day that a violation continues to occur. A  
6 separate penalty may be assessed for each violation.

7  
8  
9 **Chapter 13, Operator Certification; Article 2, Operator Certification**  
10 **Grades; Section 63770, Distribution System Staff Certification**  
11 **Requirements; Title 22, of the CCR states in part:**

12 (b) Water systems shall utilize only certified distribution operators to  
13 make decisions addressing the following operational activities:

14 (2) Shutdown, repair, disinfect and test broken water mains.

15  
16 **Chapter 15, Domestic Water Quality and Monitoring Regulations;**  
17 **Article 3, Primary Standards--Bacteriological Quality; Section 64421(b),**  
18 **General Requirements; Title 22, of the CCR states:**

19 (b) Water suppliers shall perform additional bacteriological monitoring as  
20 follows:

21 (1) After construction or repair of wells;

22 (2) After main installation or repair;

23 (3) After construction, repair, or maintenance of storage facilities; and

24 (4) After any system pressure loss to less than five psi. Samples  
25 collected shall represent the water quality in the affected portions  
26 of the system.  
27



1 **Section 64423(a)(1), Routine Sampling, Title 22, of the CCR states in**  
 2 **relevant part:**

3 (a) Each water supplier shall collect routine bacteriological water  
 4 samples as follows:

5 (1) The minimum number of samples for community water systems  
 6 shall be based on the known population served or the total  
 7 number of service connections, whichever results in the greater  
 8 number of samples, as shown in Table 64423-A.

9 **Table 64423-A**  
 10 **Minimum Number of Routine Total Coliform Samples**

11 <i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
12 25 to 1000	15 to 400	1 per month

13  
 14 **Article 18. Notification of Water Consumers and the Department,**  
 15 **Section 64463.7, Tier 3 Public Notice, Title 22, of the CCR states in**  
 16 **relevant part:**

17 (a) Each water system shall give public notice pursuant to this section if  
 18 any of the following occurs:

19 (1) Monitoring violations;

20 (b) Each water system shall give the public notice within one year after it  
 21 learns of the violation.

22 (1) The water system shall repeat the public notice annually for as  
 23 long as the violation, variance, exemption, or other occurrence  
 24 continues.

25 (2) Posted public notices shall remain in place for as long as the  
 26 violation, variance, exemption, or other occurrence continues, but  
 27 in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use  
 an annual report detailing all violations and occurrences for the



1 previous twelve months, as long as the water system meets the  
2 frequency requirements specified in this subsection.

3 (c) Each water system shall deliver the notice in a manner designed to  
4 reach persons served within the required time period, as follows:

5 (1) Unless otherwise directed by the Department in writing based on  
6 its assessment of the violation or occurrence and the potential for  
7 adverse effects on public health and welfare, community water  
8 systems shall give public notice by

9 (A) Mail or direct delivery to each customer receiving a bill  
10 including those that provide their drinking water to others (e.g.,  
11 schools or school systems, apartment building owners, or  
12 large private employers), and other service connections to  
13 which water is delivered by the water system; and

14 (B) Use of one or more of the following methods to reach persons  
15 not likely to be reached by a mailing or direct delivery (renters,  
16 university students, nursing home patients, prison inmates,  
17 etc.):

- 18 1. Publication in a local newspaper;
- 19 2. Posting in conspicuous public places served by the water  
20 system, or on the Internet; or
- 21 3. Delivery to community organizations.

22 (d) Community and nontransient-noncommunity water systems may use  
23 the Consumer Confidence Report pursuant to sections 64480 through  
24 64483, to meet the initial and repeat Tier 3 public notice requirements  
25 in subsection 64463.7(b), as long as the Report meets the following:

- 26 (1) Is given no later than one year after the water system learns of the  
27 violation or occurrence;
- (2) Includes the content specified in section 64465; and
- (3) Is distributed pursuant to paragraph (b)(1) and (2) or  
subsection (c).



**Directive 6, Citation Number 01-02-10(C)-009, states:**

Within three (3) days of receipt of this citation, and by the 10<sup>th</sup> day of the month following the monitoring, thereafter, the Company shall submit a daily record of chlorine residuals in the distribution system.

**Directive 6, Citation Number 01-02-11(C)-001, states:**

Commencing not later than seven (7) days following date of this Citation, the Company shall measure and record the free chlorine residual entering the distribution system at least once per day; and by the 10<sup>th</sup> day of each month, the Company shall submit a record of the daily chlorine residuals measured for the preceding month.

**STATEMENT OF FACTS**

Susan River Park Water Company (Company) domestic water system is classified as a community water system. Richard Herman, the system's owner, passed away on December 11, 2011. The water system is currently owned by the Herman Family Trust. Trustee of the trust, Michael Herman, Richard Herman's son, is currently operating the water system. The Company serves approximately 50 service connections and a population of approximately 100.

Section 116460, of the CHSC requires public water systems to have an emergency notification plan (ENP) that has been submitted to and approved by the Department. To ensure a timely response, in the event of an emergency, the ENP must be kept current with respect to water system personnel and contact information. The Company's September 15, 2011, ENP includes David Wilson, who is no longer the on-site system manager, and does not include a phone number where Michael Herman can currently be reached.





1 As required by Section 116555(b)(2), CHSC, owners of community water  
2 systems are required to place the direct supervision of the water distribution  
3 system under the responsible charge of operator(s) holding a valid  
4 certification equal to or greater than the classification of the distribution  
5 system. On Friday, January 4, 2013, three of the Company's customers  
6 called the Department to report a water outage. The Company's certified  
7 operator was reportedly not aware of the main repair until notified by  
8 Department staff. Discussions between Department staff and the  
9 Company's trustee confirmed that the well was turned off so that a main  
break could be repaired.

10 As required by Section 63770(b)(2), Title 22, of the CCR water systems are  
11 required to utilize only certified distribution operators to make decisions  
12 addressing shutdown, repair, disinfect and test broken water mains. As  
13 discussed above, the Company's certified operator was not used to making  
14 decisions addressing shutdown, repair, disinfect and test broken water  
15 mains during the January 4, 2013 main repair.

16 As required by Section 64421(b), Title 22, of the CCR, following main repair  
17 and system pressure loss to less than five psi, on January 4, 2013,  
18 Department staff directed the Company verbally by telephone to collect a  
19 special bacteriological sample on Monday, January 7, 2013. Records show  
20 that the Company did not collect a bacteriological sample until the routine  
21 sample was collected nine days later on Wednesday, January 16, 2013.

22 As a community water system the Company's is required to collect one  
23 routine sample per month for coliform bacteria as prescribed under Section  
24 64423, Title 22, of the CCR. During April 2013, the Company did not collect  
25 a routine bacteriological sample from the distribution system.

26 To assure reliable compliance with the bacteriological water quality drinking  
27 water standards, Citation No. 01-02-10(C)-009, issued April 22, 2010, and  
Citation No. 01-02-11(C)-001, issued March 18, 2011, directed the



1 Company to measure and record the free chlorine residual entering the  
2 distribution system at least once per day; and by the 10<sup>th</sup> day of each month,  
3 submit a record of the daily chlorine residuals measured for the preceding  
4 month. The Department received monthly chlorination monitoring records for  
5 five months, October 2011 through February 2012. No monthly chlorination  
6 monitoring records have been received since February 2012.  
7

### 8 **DETERMINATIONS**

9 The Department has determined the following:

- 10 1. The Company is in violation of Section 116460, of the CHSC, in that  
11 the Company does not have an up-to-date emergency notification  
12 plan (ENP) that has been submitted to and approved by the  
13 Department.  
14
- 15 2. The Company is in violation of Section 116555(b)(2), of the CHSC; in  
16 that the Company did not place the direct supervision of the water  
17 distribution system under the responsible charge of operator(s)  
18 holding a valid certification equal to or greater than the classification  
19 of the distribution system during the January 4, 2013, water main  
20 repair.  
21
- 22 3. The Company is in violation of Section 63770(b)(2), Title 22, of the  
23 CCR; in that the Company did not utilize only certified distribution  
24 operators to make decisions addressing shutdown, repair, disinfect  
25 and test broken water mains during the January 4, 2013 main repair.  
26
- 27 4. The Company is in violation of Section 64421(b), Title 22, of the  
CCR; in that the Company did not perform additional bacteriological  
monitoring following the January 4, 2013, main repair and system  
pressure loss to less than five psi.



1 5. The Company is in violation of Section 64423(a)(1), Title 22, of the  
2 CCR; in that the Company did not collect a routine bacteriological  
3 monitoring sample during April 2013.

4 6. The Company is in violation of Directive No. 6 of Citation Number  
5 01-02-10(C)009 and Directive No. 6 of Citation Number  
6 01-02-11(C)001; in that the Company has not submitted monthly  
7 monitoring records of daily chlorine residuals in the distribution  
8 system since February 2012.

9  
10 **DIRECTIVES**

11 The Company is hereby directed to take the following actions:

- 12
- 13 1. Comply with Section 116460 of the CHSC by submitting a current  
14 Water Quality Emergency Notification Plan (ENP) to the Department  
15 for our approval by September 31, 2013. Use Attachment 'A' to fulfill  
16 this requirement. Remain in compliance by submitting a current ENP  
17 to the Department for our approval whenever there is a change in  
18 system personnel or contact information.
- 19 2. Comply with Section 116550(b)(2) of the CHSC in the future by  
20 placing the direct supervision of the water system under the  
21 responsible charge of operator(s) holding a valid certification equal to  
22 or greater than the classification of the distribution system.
- 23 3. Comply with Section 63770(b)(2), Title 22, of the CCR in the future by  
24 utilizing only certified distribution operators to make decisions  
25 addressing shutdown, repair, disinfect and test broken water mains.
- 26 4. Comply with Section 64421, Title 22, of the CCR in the future by  
27 performing additional bacteriological monitoring following construction  
or repair of wells; main installation or repair; construction, repair, or



1 maintenance of storage facilities; and any system pressure loss to  
2 less than five psi. Samples collected shall represent the water quality  
3 in the affected portions of the system.

4 5. Comply with Section 64423(a)(1), Title 22, of the CCR in the future by  
5 performing a minimum of one routine bacteriological sample per  
6 month.

7  
8 6. Notify all persons served by the Company of the MCL violation as  
9 required by Section 64463.7 and Section 64465, Title 22, of the CCR.  
10 Notification shall be completed in accordance with each of the  
11 following:

12 a) In your 2013 Consumer Confidence Report or in a separate direct  
13 mail delivery to each customer served by the Company of the  
14 notice contained in Attachment 'A'. The mail or direct delivery  
15 shall be completed by June 30, 2014.

16 b) By June 30, 2014, provide the notice contained in Attachment 'A'  
17 to customers using one or more of the following methods to reach  
18 persons not likely to be reached by a public posting:

19  
20 (1) Publication in a local newspaper or newsletter distributed to  
21 customers for one day,

22 (2) Posting in conspicuous public places served by the water  
23 system, or on the Internet, or

24  
25 (3) Delivery to community organizations.

26  
27 Changes and/or modifications to Attachment 'A' shall not be made  
unless approved by the Department.



- 1 7. Complete and return Enclosure 'C' "Certification of Completion of  
2 Public Notification" form within 10 days of giving public notice. A copy  
3 of the notice used to provide public notification shall be attached to  
4 the form.
- 5 8. Comply with Citation Number 01-02-10(C)009 and Citation  
6 Number 01-02-11(C)001 by measuring and recording the free  
7 chlorine residual in the distribution system at least three days per  
8 week on non-consecutive days. Free chlorine residual measurement  
9 and recording shall commence not later than October 1, 2013, using  
10 a copy of Attachment 'D'.
- 11 9. By the 10<sup>th</sup> day of each month, commencing not later than  
12 November 10, 2013, the Company shall submit a copy of  
13 Attachment 'D', containing the record of the daily chlorine residuals  
14 measured for the preceding month to the Department and the  
15 monthly treatment record shall be signed by the Company's certified  
16 operator.
- 17 10. Provide status of Company ownership by September 30, 2013.

18  
19  
20 All documents required by this Citation to be submitted to the Department  
21 shall be submitted to the following address:

22 Michael J. McNamara, P.E.  
23 Lassen District Engineer  
24 Department of Public Health  
25 Drinking Water Field Operations Branch  
26 364 Knollcrest Drive, Suite 101  
27 Redding, CA 96002

Nothing in this Citation relieves the Company of its obligation to meet the requirements of Health and Safety Code, Division 104, Part 12, Chapter 4



1 (California Safe Drinking Water Act), or any regulation, permit, standard or  
2 order issued or adopted thereunder.

3 The Department reserves the right to make such modifications to this  
4 Citation, as it may deem necessary to protect public health and safety. Such  
5 modifications may be issued as amendments to this Citation and shall be  
6 effective upon issuance.

### 7 8 **FURTHER ENFORCEMENT ACTION**

9 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the  
10 CHSC authorizes the Department to: issue additional citations with  
11 assessment of penalties if the Company continues to fail to correct a  
12 violation identified in a citation; take action to suspend or revoke a permit  
13 that has been issued to a public water system if the system has violated  
14 applicable law or regulations or has failed to comply with orders of the  
15 Department; and petition the superior court to take various enforcement  
16 measures against a public water system that has failed to comply with  
17 orders of the Department. The Department does not waive any further  
18 enforcement action by issuance of this citation.

### 19 20 **PARTIES BOUND**

21 This Citation shall apply to and be binding upon the Company, its officers,  
22 directors, agents, employees, contractors, successors, and assignees.



**SEVERABILITY**

The directives of this Citation are severable, and Company shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.

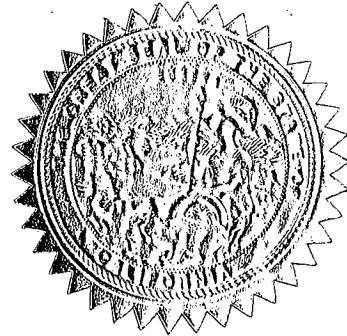


Michael J. McNamara, P.E., District Engineer  
Lassen District  
Drinking Water Field Operations Branch

8/20/13  
Date

**Attachments:**

- 'A' Water Quality Emergency Notification Plan
- 'B' Public Notification Template
- 'C' Certification of Completion
- 'D' Monthly Chlorination Monitoring Record



**Susan River Park Water Company (System #1800503)**  
**Monthly Chlorination Monitoring Record**

MONTH \_\_\_\_\_ YEAR \_\_\_\_\_ OPERATOR SIGNATURE \_\_\_\_\_

Date	Time	Meter Reading (Gal)	Chlorine Solution Tank Level	Chlorine Solution Used (Gals.)	Chlorine Dosage (ppm)	Free Chlorine Residual after tank (ppm)	Free Chlorine Residual in distribution (ppm) and Sample Location	Remarks (Metering pump setting, chlorine solution added, weather conditions, maintenance, etc.)
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Sodium Hypochlorite Product Used and Concentration: \_\_\_\_\_

% Chlorine Solution Used: \_\_\_\_\_